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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-first year

Identical letters dated 20 December 2016 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

As the Security Council continues its deliberations on the question of Palestine month after month, amid constant calls by the international community for responsible action in line with its Charter duties, Israel, the occupying Power, continues to exploit the Council's inaction with the continuation and intensification of its illegal and destructive policies and practices, in particular in connection with its colonial settlement enterprise, in the Occupied Palestinian Territory, including East Jerusalem.

At this time, we must officially place on record our total condemnation of all Israeli schemes to violate, distort and undermine all laws applicable to this situation. In this regard, the so-called Israeli "regulation bill", which attempts to give so-called "legal status" to dozens of illegal Israeli settlements and "outposts" constructed on private Palestinian land in the Occupied Palestinian Territory, including East Jerusalem, constitutes yet another provocative and flagrantly illegal action by the occupying Power. This scheme clearly aims at further consolidating Israel's illegal settlement enterprise and further privileging its illegal settlers on our land. On 7 December 2016, this bill was given initial approval by the Israeli Knesset, and, if ultimately passed, it would further entrench 55 illegal "outposts" and approximately 4,000 more units in illegal settlements in the Occupied Palestinian Territory, including East Jerusalem, in direct and grave breach of international law, particularly the Fourth Geneva Convention and article 49 thereof.

International law is crystal clear: the acquisition of territory by force and the transfer of the civilians of the occupying Power into the occupied territory are explicitly prohibited under international law. Israeli settlements, regardless of their classification by the occupying Power, are thus illegal in every manifestation. As such, while the proposed bill attempts to "legalize" so-called "outposts" on

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Palestinian land, it must be clarified that all Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal, as are the more than 600,000 settlers currently residing there.

Here, it is relevant to point out that Peace Now, an Israeli human rights organization, views the "regulation law" as "a grand land robbery, which will lead not only to the expropriation of 8,000 dunums of private Palestinian lands but might also rob Israelis and Palestinians of the possibility of arriving at a two-State solution". Many other human rights organizations have warned that this action will just embolden the Israeli settlement drive and bring many more illegal settlers to these "outposts-turned-settlements", accelerating the expansion of the illegal settler population as a whole in the Occupied West Bank, including Occupied East Jerusalem. Moreover, compounding the illegality of such a provocative bill is the fact that it would also severely violate the Palestinian right to property, a basic human and civil right, as well as explicitly discriminate against Palestinian civilians in favour of Israeli settlers illegally transferred to the West Bank. Peace Now has noted with alarm that "direct and separate Knesset legislation regarding the West Bank, particularly when it applies to the Palestinians residing there, is de facto annexation of the West Bank".

In addition to the prohibitions stipulated in the Fourth Geneva Convention, the Hague Convention of 1907 also prohibits the occupying Power from making any permanent changes in the territories occupied that are not undertaken in accordance with a narrow definition of military necessity or for the purpose of benefiting the local population. Over the nearly 50 years of Israel's foreign military and colonial occupation, it has carried out its settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem, in deliberate and flagrant violation of both sets of law. The unanimous, firm and long-standing position of the international community in this regard — that settlements are illegal and threaten the viability of the two-State solution based on the 1967 borders — is clearly based on an unambiguous, principled reading of, and respect for, the law.

The international community has been clear in its condemnation of and opposition to the occupying Power's so-called "regulation law". Nikolay Mladenov, the United Nations Special Coordinator for the Middle East Peace Process, has stated that "the so-called 'legalization bill' has the objective of protecting illegal settlements and outposts built on private Palestinian property in the West Bank" and confirmed that "some have pronounced it to be a step towards the annexation of the West Bank". In addition, a European Union spokesperson has stated, "recalling that settlements are illegal under international law, constitute an obstacle to peace and threaten to make the two-State solution impossible, the European Union reiterates its strong opposition, in line with the position of the Middle East Quartet, to Israel's settlement policy and all actions taken in this context". Moreover, United States Secretary of State John Kerry has called the bill "really concerning", adding that Israel was "heading to a place of danger" as settlement building narrows the prospects for peace and the two-State solution.

Indeed, such illegal and provocative Israeli actions, along with constant inflammatory rhetoric, including by officials in Prime Minister Netanyahu's Government, many of whom have publicly stated their opposition to a Palestinian State or that "there will be no Palestinian State", must be cause for both alarm and

action by the international community. Moreover, it must be pointed out that Israeli officials continue to praise and support this dangerous and illegal bill. For example, Israeli Education Minister Naftali Bennett has applauded the bill and stated that the preliminary support by the Knesset is a move towards annexing that region. Specifically, he stated after the bill passed its first reading that "the Israeli Knesset moved from heading towards establishing a Palestinian State to heading towards sovereignty in Judea and Samaria" and that "the 'outpost regulation bill' is the tip of the iceberg in applying sovereignty".

Clearly, the international appeals to Israel to cease all such illegal behaviour continue to be blatantly ignored and flouted by the Israeli Government, requiring more serious and tangible efforts to address these developments before it is too late. As stated by Hanan Ashrawi, a member of the Executive Committee of the Palestine Liberation Organization, "such a bill constitutes a legal travesty. Israel is persistently and wilfully legislating outside the realm of international law in order to legalize its criminal settlement agenda, considered a war crime under the Rome Statute of the International Criminal Court." She further stated that it was clear that the right-wing extremist Israeli Government was deliberately escalating its illegal settlement enterprise and stealing Palestinian land and resources in and around East Jerusalem and in "Area C" in order to destroy the two-State solution and to superimpose "Greater Israel" on all of historical Palestine.

Taking all of this into consideration, along with the never-ending announcements made by Israel, including announcements in November and December of this year regarding the building of more settlement units in the illegal settlements of "Gilo" and "Ramat Shlomo", in Occupied East Jerusalem, we call on the international community, in particular the Security Council, to finally act to redress this illegal situation. The occupying Power must be held accountable for its dangerous, unlawful policies of land theft, colonization, territorial expansion and oppression of the Palestinian people and for taking us ever further away from the realization of the two-State solution.

The Security Council must send a strong and unanimous message to Israel to cease all of its settlement activities and that neither settlement construction nor so-called "bills" regarding the "legal status" of its settlements will ever be tolerated or recognized by the international community. In particular, we call on the Security Council to adopt a resolution condemning settlement activities and calling for their immediate cessation and reversal. The international community must act, in accordance with its legal obligations and political and moral responsibilities, before Israel buries the two-State solution once and for all, with all of the consequences in this regard.

In addition to the above-mentioned alarming developments, I must inform you that Palestinian homes and properties continue to be seized and demolished at unprecedented rates. Palestinian families continue to be forcibly displaced, callously dispossessed and rendered homeless and destitute. All of this is being done in grave breach of the Fourth Geneva Convention and against the backdrop of the Security Council's long-running paralysis on this critical matter. Moreover, innocent Palestinian civilians continue to be killed and injured by the Israeli occupying forces and by extremist Israeli settlers. This includes the killing, on 18 December 2016, of a young Palestinian teenager, Ahmed Hazem Rimawi, age 19, in the village

of Beit Rima in northern Ramallah in the Occupied West Bank. Ahmed was shot in the heart by an occupation soldier and died immediately. Palestinian civilians also continue to be arrested by the dozen daily and continue to be imprisoned and detained, including Anas Ibrahim Shadid, 20, and Ahmad Abu Farah, 29, two administrative detainees who are currently on hunger strike in protest against their arbitrary detention and face imminent death owing to the severe deterioration of their health. We call for their immediate release and an end to the captivity and inhumane treatment of all Palestinian prisoners and detainees.

Haven't the Palestinian people suffered enough at the hands of the occupying Power? The answer is yes, but the question remains if the international community, with the Security Council at the forefront, will finally rise up to meet its responsibilities under international law. The time is past due for serious action to uphold and compel respect for international law, to bring a halt to Israel's violations against the Palestinian people and to contribute seriously and tangibly to bringing an end to the Israeli occupation that began in 1967 and the realization of a just, lasting and comprehensive peace under which the Palestinian people can finally attain their freedom, rights and justice and under which peace and security can become a reality for both peoples.

This letter is in follow-up to our 598 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 14 November 2016 (A/ES-10/735-S/2016/961) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer
of the State of Palestine to the United Nations